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E-Filed on 12/19/07

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR  
DECEMBER 20, 2007 HEARINGS**

Date of Hearing: December 20, 2007  
Time of Hearing: 9:30 a.m.

**Affects:**

- ☒ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

**9:30 a.m.**

A1. Adv. 2-07-01154, USACM Liquidating Trust v. JMK Investments, Ltd.,  
**Scheduling Conference re: Motion to Dismiss by JMK Investments pursuant to  
Rule 12(b)(6); Memorandum of Points and Authorities** Filed by GEORGE C LAZAR  
on behalf of J.M.K. INVESTMENTS, LTD. [DE 47]

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1           1.       **Status Hearing on Objection to Certain Claims (*Pertaining to Claims***  
2 ***filed by William L. McGimsey*)** filed by LENARD E. SCHWARTZER on behalf of USA  
3 CAPITAL REALTY ADVISORS, LLC [DE 3017]

4       **Response Filed:**       Response Filed by WILLIAM L. MCGIMSEY on behalf of  
5 4/19/2007                   JOHNNY CLARK, MARGARET B. MCGIMSEY TRUST,  
6                               BRUCE MCGIMSEY, JERRY MCGIMSEY, SHARON  
7                               MCGIMSEY [DE 3487]

8       **Stipulation Filed:**   Stipulation By USA CAPITAL REALTY ADVISORS, LLC,  
9 4/19/2007                   USA SECURITIES, LLC and Between KANTOR CLAIMANTS  
10 *Continuing Hearing on Objections to the Kantor Claimants'*  
11 *Claims* Filed by JEANETTE E. MCPHERSON on behalf of USA  
12 CAPITAL REALTY ADVISORS, LLC, USA SECURITIES,  
13 LLC [DE 3491]

14       **Related Filings:**   Order Approving Stipulation to Continue the Hearing on  
15 4/23/2007                   Objections to the KANTOR Claimants' Claims Against USA  
16 SECURITIES, LLC and USA CAPITAL REALTY ADVISORS,  
17 LLC [DE 3520]

18       5/15/2007               Order Sustaining in Part the Omnibus Objection of USA  
19 CAPITAL REALTY ADVISORS, LLC to Certain Claims [DE  
20 3733]

21       **Stipulation Filed:**   Stipulation By USA CAPITAL REALTY ADVISORS, LLC,  
22 6/08/2007                   USA SECURITIES, LLC and Between KANTOR CLAIMANTS  
23 *Concerning The Withdrawal of Claims* Filed by JEANETTE E.  
24 MCPHERSON on behalf of USA CAPITAL REALTY  
25 ADVISORS, LLC, USA SECURITIES, LLC [DE 3922]

26       **Related Filings:**   Order Approving the Stipulation Concerning the Withdrawal of  
the Claims Filed by the KANTOR Claimants Against USA  
SECURITIES, LLC and USA CAPITAL REALTY ADVISORS,  
LLC (Affects USA SECURITIES, LLC and USA CAPITAL  
REALTY ADVISORS, LLC) [DE 3929]

**Status**                   Continued from 4/26/2007; and 6/15/2007

2           2.       **Motion for Summary Judgment (*Pertaining to Claims filed by William L.***  
3 ***McGimsey*)** Filed by LENARD E. SCHWARTZER on behalf of USA CAPITAL  
4 REALTY ADVISORS, LLC [DE 5256]

**Opposition Filed:**   None

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1 **Status**

2  
3 3. **Partial Objection to Claim 10725-02481 of Tobias Von Euw Revocable**  
4 **Trust dtd 11/23/04 in the amount of \$1,468,967.93 filed in *Wrong Debtor's Case and***  
5 ***Disallowed as to USACM*** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5351]

6 **Opposition Filed:** None

7 **Status**

8  
9 4. **Partial Objection to Claim 10725-00953 of Hermaine and Seymour**  
10 **Hinden Living Trust dtd 2/22/00 in the amount of \$40,000.00 Filed in *Wrong Debtor's***  
11 ***Case and Disallowed as to USACM*** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5353]

12 **Opposition Filed:** None

13 **Status**

14 5. **FIRST OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
15 **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION** filed by  
ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5357]

16 **Opposition Filed:** Response to First Omnibus Objection of the USACM Liquidating  
17 Trust to Proofs of Claim for Lack of documentation filed on  
18 behalf of Tim Burrus and Joann Ortiz-Burrus, Claim 10725-  
00027 [DE 5475]

19 **Status**

20  
21 6. **SECOND OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
22 **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
23 **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5359]

24 **Opposition Filed:** None

25 **Status:**

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1           7.     **THIRD OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
2     **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
3     **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
   LIQUIDATING TRUST [DE 5361]

4     **Opposition Filed:**     None

5     **Status:**

6  
7           8.     **FOURTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
8     **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
9     **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
   LIQUIDATING TRUST [DE 5363]

10    **Opposition Filed:**     None

11    **Status:**

12  
13           9.     **FIFTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
14     **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
15     **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
   LIQUIDATING TRUST [DE 5365]

16    **Opposition Filed:**     Response in Opposition to Objections of USACM Liquidating  
17                                 Trust to Proofs of Claim, filed by Barry J. and Patricia Goldstein,  
18                                 Claim No. 10725-01165, and Capital Mortgage Investors, Inc.,  
                                      Claim No. 107725-01163 [DE 5484].

19    **Status:**

20           10.    **SIXTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING**  
21     **TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH**  
22     **CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM  
   LIQUIDATING TRUST [DE 5367]

23    **Opposition Filed:**     Response in Opposition to Objections of USACM Liquidating  
24                                 Trust to Proofs of Claim, filed by Barry J. and Patricia Goldstein,  
25                                 Claim No. 10725-01167, and Capital Mortgage Investors, Inc.,  
                                      Claim No. 107725-01168 [DE 5484].

26    **Status:**

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11. SEVENTH OMNIBUS OBJECTION OF THE USACM  
LIQUIDATING TRUST TO PROOFS OF CLAIM FOR LACK OF  
DOCUMENTATION WITH CERTIFICATE OF SERVICE filed by ROB CHARLES  
on behalf of USACM LIQUIDATING TRUST [DE 5369]

**Opposition Filed:** None

**Status:**

12. EIGHTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING  
TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH  
CERTIFICATE OF SERVICE filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5371]

**Opposition Filed:** None

**Status:**

13. NINTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING  
TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH  
CERTIFICATE OF SERVICE filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5373]

**Opposition Filed:** None

**Status:**

14. TENTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING  
TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH  
CERTIFICATE OF SERVICE filed by ROB CHARLES on behalf of USACM  
LIQUIDATING TRUST [DE 5375]

**Opposition Filed:** None

**Status:**

15. ELEVENTH OMNIBUS OBJECTION OF THE USACM  
LIQUIDATING TRUST TO PROOFS OF CLAIM FOR LACK OF  
DOCUMENTATION WITH CERTIFICATE OF SERVICE filed by ROB CHARLES  
on behalf of USACM LIQUIDATING TRUST [DE 5377]

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**Opposition Filed:** None

**Status:**

16. **TWELFTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION WITH CERTIFICATE OF SERVICE** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5379]

**Opposition Filed:** None

**Status:**

17. **First Omnibus Objection to Proofs of Claim Based Upon Investment in the Opaque/Mt. Edge \$7,350,000 Loans** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5388]

**Related Filing:** Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in the Opaque/Mt. Edge \$7,350,000 Loan With Certificate Of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5387].

**Opposition Filed:** None

**Status:**

18. **Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Opaque/Mt. Edge \$7,350,000 Loan** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5390]

**Opposition Filed:** None

**Status:**

19. **Motion to Close Case, Motion for Final Decree** Filed by LENARD E. SCHWARTZER on behalf of USA SECURITIES, LLC [DE 5400]

**Opposition Filed:** None

**Related Filing:** Declaration Of: SUSAN M. SMITH In Support of USA

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11/21/2007 SECURITIES, LLC's Motion To Close Case and Request For Final Decree Filed by LENARD E. SCHWARTZER on behalf of USA SECURITIES, LLC [DE 5402]

11/21/2007 *USA SECURITIES, LLC's Final Report of Action Taken and Progress Towards Consummation of Confirmed Plan of Reorganization* Filed by LENARD E. SCHWARTZER on behalf of USA SECURITIES, LLC [DE 5403]

**Status:** Continued from December 14, 2007 [DE 4980].

20. **Eighth Omnibus Objection (*Pertaining to Claim filed by John Dutkin*)**  
filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3147]

**Response Filed:** Response with Certificate of Service Filed by GEORGE D  
4/19/2007 FRAME on behalf of JOHN DUTKIN [DE 3512]

**Related Filings:** Motion for Summary Judgment Regarding (1) Responses To The  
7/30/2007 USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

**Response Filed:** Response with Certificate of Service & *Objection of USA*  
8/17/07 *COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN TRUST Asserting Secured Status* Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 4628]

**Status** Continued from 4/26/2007; 6/15/2007 and 12/14/07.

21. **Objection to Claim 10725-02447-2 amending 10725-02447-1, 10725-02448-2 amending 10725-02448-1 of Wynn & Lorraine J. Gunderson in the amount of \$176,135.00, \$176,135.00 Asserting Secured Status** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4262]

**Objection Filed:** Objection with Certificate of Service Filed by LORRAINE  
4/19/2007 GUNDERSON, WYNN A. GUNDERSON [DE 3514]

**Status** Continued from 11/2/2007; 11/16/2007 and 12/14/07.



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22. **Motion for Summary Judgment Regarding (1) Responses To The USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

**Related Filings:** The only unresolved claim is Proof of claim 10725-01739 filed by Larry and Patsy Rieger

**Status**

23. **Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS in the amount of** filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]

**Opposition Filed:** 12/29/2006 Opposition with Certificate of Service Filed by SUSAN WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC [DE 2329]

**Reply Filed** 1/08/2007 *Reply In Support of Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS* Filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2378]

**Stipulation Filed:** 10/11/2007 Stipulation By USACM LIQUIDATING TRUST and Between Binford Medical Developers *Continuing Hearing on Objection to Claim 784 of Binford Medical Developers* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4977]

**Related Filing:** 10/12/2007 Order Approving Stipulation to Continue the Hearing on Objection to Claim 784 of BINDFORD MEDICAL DEVELOPERS LLC [DE 4988]

**Status:** Hearing rescheduled from 1/17/2007; 3/15/2007; 4/26/2007; 6/15/2007; and 10/15. A stipulation to continue the hearing to December 20, 2007 was filed [DE 5474]. At the hearing held on December 14, 2007, Judge Riegle advised counsel that she will hear this matter on January 11, 2007

24. Agenda item is on Thomas A. Hantges



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25. **Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership in Plan Class A-7 With Certificate Of Service** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5122]

**Related Filings:** Order Extending Deadline to Respond or Otherwise Intervene and Continuing Hearing on USACM LIQUIDATING TRUST's Motion for Summary Judgment to Classify Claim by PECOS PROFESSIONAL PARK LIMITED PARTNERSHIP IN PLAN CLASS A-7 [DE 5436]

Opposition to USACM Liquidating Trust's Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership in Plan Class A-1 [DE 5432]

USACM Liquidating Trust's Reply in Support of Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership in Plan Class -7 [DE 5493]

26. **Motion for Summary Judgment Regarding (1) Responses To The USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291] re Rieger Claim 10725-01739

**Status:** This hearing has been continued several times. On November 15, 2007, this Court entered an Order Scheduling rehearing on Claim 10725-01739, 10725-02208, 10725-02209, 10725-02210. [DE 5337]

A Stipulation for Withdrawal of Proofs of Claim 10725-02208, 10725-02209 and 10725-02210 [DE 5477] was filed.

DATED: December 19, 2007.

**LEWIS AND ROCA LLP**

By: /s/ Rob Charles (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

*Counsel for USACM Liquidating Trust*